

EXHIBIT 1

44th District Court
P.O. Box 20
400 East Cleven Hill Rd.
Royal Oak, Michigan
+8068-0020



7018 1830 0000 1118 2564

NEOPOST

09/12/2019

US POSTAGE \$006.80

FIRST-CLASS MAIL



ZIP 48067
041M11272129

Convergent
AKA Convergent Outsourcing Inc.
800 SW 39th St. Ste#100
Renton, WA 98057

9805734927 0005





Track Another Package +

Tracking Number: 70181830000011182564

Remove X

Your item was delivered at 8:05 am on September 17, 2019 in RENTON, WA 98057.


 **Delivered**


September 17, 2019 at 8:05 am
Delivered
RENTON, WA 98057


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- Tracking History


- Product Information



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FAQs

Feedback

Approved, SCAO

Original - Court (with instructions)
1st copy - Defendant (with instructions)2nd copy - Plaintiff (with instructions)
3rd copy - Return (with proof of service)STATE OF MICHIGAN
44TH JUDICIAL DISTRICTAFFIDAVIT AND CLAIM
Small Claims

CASE NO.

19-03931-SC

Court address 400 E. 11 Mile Rd, ROYAL OAK, MI 48067

Court telephone no.

(248) 246-3600

See additional notice and instructions on the back of plaintiff and defendant copies.

MICHELLE COLYER

1. Plaintiff

3132 MERRILL AVE

Address

ROYAL OAK, MI 48073

(248) 435-3945

City, state, zip

Telephone no.

2. CONVERGENT AKA Convergent Outsourcing Inc.

Defendant

800 SW 39TH STREET STE 1100

Address

RENTON, WA 98057

(313) 766-0069

City, state, zip

Telephone no.

NOTICE OF HEARING

For Court Use Only

The plaintiff and the defendant must be in court on

Tuesday Oct. 22, 2019

Day

Date

at 11:30 AM at the court address above.

Time

Location

Process server's name

Fee paid: \$

- ☐ 3. A civil action between these parties or other parties arising out of the transaction or occurrence alleged in this complaint has been previously filed in ☐ this court. ☐ Court. It was given case number _____ and assigned to Judge _____. The action ☐ remains ☐ is no longer pending.

4. I have knowledge or belief about all the facts stated in this affidavit and I am ☒ the plaintiff or his/her guardian, conservator, or next friend. ☐ a partner. ☐ a full-time employee of the plaintiff.

5. The plaintiff is ☒ an individual. ☐ a partnership. ☐ a corporation. ☐ a sole proprietor. ☐

6. The defendant is ☐ an individual. ☐ a partnership. ☒ a corporation. ☐ a sole proprietor. ☐

7. The date(s) the claim arose is/are 9/3/19, 9/6/19, 9/9/19, 8/26/19, 8/27/19, 8/20/19, 8/21/19, 9/23/19
Attach separate sheets if necessary

8. Amount of money claimed is \$ 6,000 + COURT COSTS. (Note: Plaintiff's costs are determined by the court and awarded as appropriate. They are not part of the amount claimed.)

9. The reasons for the claim are: VIOLATION OF TCPA. VIOLATIONS OCCURRED/OCCUR IN ROYAL OAK. SEE ATTACHED LIST OF VIOLATIONS.

10. The plaintiff understands and accepts that the claim is limited to \$6,000 by law and that the plaintiff gives up the rights to (a) recover more than this limit, (b) an attorney, (c) a jury trial, and (d) appeal the judge's decision.

11. I believe the defendant ☒ is ☐ is not mentally competent. I believe the defendant ☒ is ☐ is not 18 years or older.

12. ☐ I do not know whether the defendant is in the military service. ☒ The defendant is not in the military service. ☐ The defendant is in the military service.

/s/ Signature

Subscribed and sworn to before me on 9-9-19 County, Michigan.My commission expires: 1-12-2022 Date Signature: Debra Ann Russell Deputy clerk/Notary publicNotary public, State of Michigan, County of WayneThe defendant(s) must be served by 12/11/19 Expiration date

AFFIDAVIT AND CLAIM Small Claims		PROOF OF SERVICE													
Case No.															
<p>TO PROCESS SERVER: You are to serve this affidavit and claim no later than 7 days before the hearing date. You must make and file your return with the court clerk. If you are unable to complete service, you must return this original and all copies to the court clerk.</p>															
<p>CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE</p>															
<p><input type="checkbox"/> OFFICER CERTIFICATE OR <input type="checkbox"/> AFFIDAVIT OF PROCESS SERVER</p> <p>I certify that I am a sheriff, deputy sheriff, bailiff, or appointed court officer (MCR 2.104[A][2]), and that: (notarization not required)</p> <p>Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)</p>															
<p><input type="checkbox"/> I served personally a copy of the affidavit and claim, <input type="checkbox"/> I served by registered or certified mail (copy of return receipt attached) a copy of the affidavit and claim.</p> <p><input type="checkbox"/> I have personally attempted to serve the affidavit and claim, together with any attachments on the following defendant(s) and have been unable to complete service.</p>															
Defendant name	Complete address of service	Day, date, time													
Defendant name	Complete address of service	Day, date, time													
Defendant name	Complete address of service	Day, date, time													
<p>I declare that the statements above are true to the best of my information, knowledge, and belief.</p>															
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Service fee</td> <td style="width: 50%;">Miles traveled</td> <td style="width: 50%;">Fee</td> <td style="width: 50%;">\$</td> </tr> <tr> <td>Incorrect address fee</td> <td>Miles traveled</td> <td>Fee</td> <td>\$</td> </tr> <tr> <td colspan="2" style="text-align: center;">TOTAL FEE</td> <td colspan="2" style="text-align: center;">\$</td> </tr> </table>		Service fee	Miles traveled	Fee	\$	Incorrect address fee	Miles traveled	Fee	\$	TOTAL FEE		\$		<p>Signature</p> <p>Name (type or print)</p> <p>Title</p>	
Service fee	Miles traveled	Fee	\$												
Incorrect address fee	Miles traveled	Fee	\$												
TOTAL FEE		\$													
<p>Subscribed and sworn to before me on _____ Date _____, _____ County, Michigan.</p> <p>My commission expires: _____ Date _____ Signature: _____ Deputy court clerk/Notary public</p> <p>Notary public, State of Michigan, County of _____</p>															
<p>ACKNOWLEDGMENT OF SERVICE</p>															
<p>I acknowledge that I have received service of the affidavit and claim, together with _____ Attachment _____ on _____ Day, date, time _____ on behalf of _____ Signature _____</p>															

VIOLATIONS

1. The debt collector calls me several times per day or per week (have pictures and a call log).
2. **I am not the person that the debt collector is attempting to collect from.**
3. The debt collector did not identify himself/herself in all communications.
4. The debt collector calls me and does not leave messages.
5. The debt collector calls me from a number that comes up "private," "unknown," "out of area," or "restricted," on my caller ID.
6. **The debt collector continues to call me even though I told the collection company, in writing, to stop contacting me. (Have proof they received the letter by certified mail and ignored it.)**
7. **The debt collector continues to call me even though I have called them and advised them I would be filing a lawsuit if they continued to call me and also advised them they had already violated paragraph #6, twice.**
Talked to Eva Cortez, she stated she understood what I said. But they continue to call. (Have a recording of the conversation.)

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INTERVIEW

1. The debt collector calls and says, "I have a debt for you. I have a debt for you."

2. I am not the person who has the debt. I am not the person who has the debt.

3. The debt collector did not identify himself as a debt collector.

4. The debt collector calls me and says, "I have a debt for you. I have a debt for you."

5. The debt collector calls me from a number that is not a toll-free number.

6. The debt collector calls me from a number that is not a toll-free number.

7. The debt collector calls me from a number that is not a toll-free number.

8. The debt collector calls me from a number that is not a toll-free number.

44th District Court - Royal Oak & Berkley

Case Detail

Civil

Case ID: 19-03931SC-SC

Judge of Record: CHISHOLM, DONALD R.

Case Status: PENDING

Balance: \$0.00

Next Hearing: 10/22/2019 11:30 AM - TRIAL

Court Location: 44TH ROYAL OAK

Entitlement: COLYER V CONVERGENT

Date Filed: 9/11/2019

Parties

Party Name: COLYER, MICHELLE

Attorney Name:

Answer Date:

Party Type/Number: PLAINTIFF 1

Service Date:

Party Name: CONVERGENT

Attorney Name:

Answer Date:

Disposition Date:

Party Type/Number: DEFENDANT 1

Service Date: 09/17/2019

Disposition:

Hearings

No hearings found

Note: Civil, Traffic, Criminal, Domestic (Divorce/Family), Probate and Juvenile Traffic & Delinquency cases are available through this website depending on the type of court being searched. Neglect/Abuse cases will not be displayed.

Version: 1.0.0.0 (https://mijis.courts.michigan.gov/hc/en-us/articles/115002867928)